

LUC-313/Dianda 12

REMARKS

Claims 1-7, 9-18 and 20 are pending in the application. Claims 1-4, 16, 17 and 20 were rejected under 35 U.S.C. § 103(a). Claims 5-10, 18, and 19 are objected to. Claims 11-15 are allowed.

Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 11-15 are allowed. Also, applicant appreciates the Examiner's indication that claims 5-10, 18, and 19 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Rejection Under 35 U.S.C. § 103(a)

Claims 1-4, 16, 17 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,577,718 B1 issued to Kalmanek et al. on June 10, 2003 in view of U.S. Patent Number 5,774,465 issued to Lau et al. on June 30, 1998.

This ground of rejection is avoided for the following reasons.

First, claim 8, which the Examiner has indicated is allowable if rewritten in independent form and which was previously dependent from claim 1, has been canceled. Applicant has amended claim 1 to include therein the limitation from claim 8. Claim 1, as amended, now recites,

"setting up a call on a first communication path, via an asynchronous transfer mode (ATM) network, between a first communication device and a second communication device;

establishing a second communication path from the ATM network to a law enforcement agency, which the second communication path comprises audio sourced by the first communication device on the first communication path;

establishing a third communication path from the ATM network to the law enforcement agency, which the third communication path comprises audio sourced by the second communication device on the first communication path;

wherein the audio sourced by the first communication device and the audio sourced by the second communication device are replicated by an ATM switch in the ATM network, and

LUC-313/Dianda 12

wherein when the call is placed on hold by the first communication device, disengaging the law enforcement agency from the third communication path."

The Examiner admits that the cited references do **not** teach "wherein when the call is placed on hold by the first communication device, disengaging the law enforcement agency from the third communication path".

Therefore the proposed combination of Kalmanek with Lau does not teach or suggest all of the limitations in applicants' claim 1, and therefore claim 1 is allowable over the proposed combination. Since claims 2-4 depend from allowable claim 1, these claims are also allowable.

Second, claim 19, which the Examiner has indicated is allowable if rewritten in independent form and which was previously dependent from claim 16, has been canceled. Applicant has amended independent claim 16 to include therein the limitation from claim 19. Independent claim 16, as amended, now recites,

"An access gateway comprising a processor arranged and constructed to set up a call path between at least two communication devices, including a first communication device and a second communication device, via one or more asynchronous transfer mode (ATM) switches and to instruct one of the one or more ATM switches to replicate audio sourced by at least one of the at least two communication devices and to route the replicated audio to at least one law enforcement agency, and when the call is placed on hold by the first communication device, the access gateway discontinues sending replicated audio to the law enforcement agency."

The Examiner admits that the cited references do **not** teach "when the call is placed on hold by the first communication device, the access gateway discontinues sending replicated audio to the law enforcement agency".

Therefore the proposed combination of Kalmanek with Lau does not teach or suggest all of the limitations in applicants' claim 16, and therefore claim 16 is allowable over the proposed combination. Since claims 17-18 and 20 depend from allowable claim 16, these claims are also allowable.

LUC-313/Dianda 12

Claim Amendments

Claims 9 and 10 were amended to provide proper antecedent basis. Claim 11 was amended to change the term "which" to "the". Claims 2 and 12 were amended to add the term "further". No new matter was added.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,

By James Milton
James Milton
Attorney for Applicant
Reg. No. 46,935

Dated: February 10, 2006

CARMEN B. PATTI & ASSOCIATES, LLC
Customer Number 32205